

The Honorable John C. Coughenour

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT AND KATHYRN KASEBURG,
et al.,

Plaintiffs,

v.

PORT OF SEATTLE, a municipal
corporation; PUGET SOUND ENERGY,
INC., a Washington for profit corporation,
KING COUNTY, a home rule charter
county, and CENTRAL PUGET SOUND
REGIONAL TRANSIT AUTHORITY, a
municipal corporation,

Defendants.

No. 2: 14-CV-00784-JCC

DECLARATION OF LOREN
ARMSTRONG IN SUPPORT OF
SOUND TRANSIT'S COMBINED
OPPOSITION AND CROSS
MOTION

NOTE ON MOTION CALENDAR:
OCTOBER 9, 2015

I, Loren Armstrong, declare the following

1. I am over 18 years of age and competent to testify. I have personal knowledge of the facts stated in this declaration.
2. I am a Senior Legal Counsel for defendant Central Puget Sound Regional Transit Authority *dba* Sound Transit.
3. Attached hereto as Exhibit 1 is a true and correct copy of an article entitled "Northern Pacific Railway," which notes on page 1 that "The main activities were shipping wheat and other farm products, cattle, timber and minerals; bringing in consumer goods, transporting passengers; and selling land." The article was obtained September 8, 2015 from the following website:

https://en.wikipedia.org/wiki/Northern_Pacific_Railway

DECLARATION OF LOREN ARMSTRONG
IN SUPPOR OF SOUND TRANSIT'S
OPPOSITION AND CROSS MOTION - 1

CENTRAL PUGET SOUND REGIONAL
TRANSIT AUTHORITY
401 S. JACKSON STREET
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 398-5000
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1 4. Attached hereto as Exhibit 2 is a true and correct copy of an article entitled
2 “Woodinville Subdivision,” which notes on page 2 (under the subsection entitled “Uses”)
3 that “The line also used to serve as a bypass during outages for the only other north-south
4 rail route between the Cascade Mountains and Puget Sound, the Seattle/Scenic
5 Subdivision, which runs through downtown Seattle and along Puget Sound.” It also notes
6 on page 2 that “Until 2007, the line was also used by the Spirit of Washington Dinner
7 Train, a tourist attraction.” The article was obtained September 8, 2015 from the
8 following website:

9 https://en.wikipedia.org/wiki/Woodinville_Subdivision

10 5. Attached hereto as Exhibit 3 is a true and correct copy of an article entitled
11 “Positive Train Control,” which notes on page 4 (under the subsection entitled “PTC
12 Infrastructure”) that positive train control generally requires “fixed signaling infrastructure
13 such as coded track circuits and wireless transponders to communicate with the on board
14 speed control unit or wireless data radios spread out along the line to transmit the dynamic
15 information.” The article was obtained September 11, 2015 from the following website:

16 https://en.wikipedia.org/wiki/Positive_train_control

17 6. Attached hereto as Exhibit 4 is a true and correct copy of an article entitled
18 “National Electrical Safety Code,” which notes that “The National Electrical Safety Code
19 (NESC) or ANSI Standard C2 is a United States standard of the safe installation,
20 operation, and maintenance of electric power and communication utility systems including
21 power substations, power and communication overhead lines, and power and
22 communication underground lines.” The article was obtained September 8, 2015 from the
23 following website:

24 https://en.wikipedia.org/wiki/National_Electrical_Safety_Code

25 7. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiffs’
Answers and Objections to Sound Transit’s First Set of Requests for Admission, No. 21.

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8. Attached hereto as Exhibit 6 is a true and correct copy of an article entitled "Amtrak." It notes on page 2 (under the subsection entitled "History/Pre-Amtrak/Private operated passenger rail service") that "From the mid-19th century until about 1920, nearly all intercity travelers in the United States moved by rail. Historically, passenger trains in the U.S. were owned and operated by the same privately owned companies that operated freight trains. About 65,000 railroad passenger cars operated in 1929." It also notes on page 6 (under the subsection entitled "Formation") that the railroads were obligated by federal law to continue to provide inter-city passenger service until that obligation was terminated with the creation of Amtrak by passage of the Rail Passenger Service Act of 1970. The article was obtained September 11, 2015 from the following website:

<https://en.wikipedia.org/wiki/Amtrak>

9. I have a bachelor of science degree in civil engineering from the United States Military Academy at West Point and worked as a staff structural engineer at two structural engineering firms for approximately three years prior to attending law school. On August 31, 2015, I walked portions of the eastside rail corridor that are subject to the Lake Washington Belt Line Co. deed and the Condemnation Judgment. I noted and took pictures of all of the following conditions (none of which require any engineering or railroad expertise to observe):

- A large wooden trestle bridge that spans over two different travel lanes of Ripley Lane North where vehicles can pass underneath the elevated railroad tracks. True and correct pictures of this condition are attached as Exhibits 7A, 7B, and 7C.
- Modifications of the surface grades for the approaches leading up to each side of the trestle bridge to maintain the steady grade required for railroads. True and correct pictures of this condition are attached as Exhibits 7D, 7E and 7F.
- Aerial usage for railroad signs that stick up from the ground into the air. True and correct pictures of this condition are attached as Exhibit 7G.

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OPPOSITION AND CROSS MOTION - 3

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1 There were at least 3 other similar signs in the portion of the corrido that I
2 walked.

- 3 • Modifications to the hill on which the track runs to create level ground for
4 the installation of track, which was done through a combination of cutting
5 in certain areas and filling in other areas. True and correct pictures of this
6 condition are attached as Exhibits 7H and 7I. In both pictures, the side of a
7 hill was leveled, through some combination of cutting and/or filling to
8 create a level base on which to install railroad tracks on subgrade
9 improvements. In both pictures, stairs (or their associated hand rails) are
10 visible going up one side and down the other.
- 11 • Structural elements that are required to penetrate the ground for
12 engineering reasons, including bridge abutments, railroad ties, sign
13 foundations, and railroad crossings. True and correct pictures of this
14 condition are attached as Exhibits 7B, 7D, 7G, and 7J.
- 15 • Installation of elevated roadbed materials for structural reasons and to
16 create grade separation as required for drainage or other engineering
17 purposes. True and correct pictures of this condition are attached as
18 Exhibits 7K, 7L, and 7M.

19 10. Attached hereto as Exhibit 8 is a true and correct copy of an article entitled
20 "Light Rail," which provides a detailed description of light rail. The article was obtained
21 September 11, 2015 from the following website:

22 https://en.wikipedia.org/wiki/Light_rail

23 I DECLARE UNDER THE PENALTY OF PERJURY OF THE LAWS OF THE
24 UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.

25 DATED this 14th day of September, 2015 at Seattle, Washington.

By 

Loren Armstrong
WSBA No. 33068

DECLARATION OF LOREN ARMSTRONG
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